

**MINUTES OF THE DANVILLE-BOYLE COUNTY BOARD OF ADJUSTMENTS MEETING
AUGUST 18, 2016**

The Danville-Boyle County Board of Adjustments met for a regular meeting in the Danville City Hall public meeting room on Thursday, August 18, 2016 at 10:00 a.m.

MEMBERS PRESENT WERE:

Virgie Johnson, Chairman
Donna Fairchild
Linda Green
Jesse Purdy
David Anderson
Don Whitaker

OTHERS PRESENT WERE:

Paula Bary, Director
Jennie Hollon, Administrative Assistant

Chairman Johnson called the meeting to order and announced there was a quorum present.

APPROVAL OF MINUTES

1. MINUTES

Commissioner Whitaker made a motion to approve the minutes of the July 21, 2016 meeting as presented. Commissioner Anderson seconded the motion and it unanimously carried.

OLD BUSINESS

No old business.

NEW BUSINESS

2. PLANK ON MAIN CONDITIONAL USE PERMIT

Plank on Main requested a conditional use permit to have outdoor seating consisting of two vintage picnic tables with benches outside placed against the wall. The business is located at 219 West Main Street, Danville, and is zoned DT. The owner of the property is W & C Properties LLC and the applicant is Plank on Main. Ms. Wendy White said the business planned to use two German antique beer garden tables and benches. If, however, customers prefer to not share a table, a second option may be used down the road. Option 2 consisted of four 24" tables and two chairs at each table. Both table options would allow over 3' 3-8" of walkway clearance. Chairman Johnson stated if Plank used table option 2, the Director of Planning and Zoning would need to approve and verify the new tables were located in the 5 x 11 ft. table zone on the diagram.

Commissioner Fairchild asked how many people could sit on each bench. Ms. White said that four people maximum would fit on each bench. Chairman Johnson asked if alcohol would be served. Ms. White explained that this was a

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smoothie bar and no alcohol would be served. Commissioner Anderson asked that if the sidewalk became congested, that Plank on Main remove the bench closest to the sidewalk and only the bench facing out may remain. Ms. White stated that it would not be a problem to remove one bench, in the event of high sidewalk foot traffic. Commissioner Green inquired how close to the tables were to the next business. Ms. White stated that the business on the right was 15 feet away and the business on the left was 11 feet away. Commissioner Green asked if the benches could be slid under that tables when not in use, to which Ms. White agreed to do. Commissioner Anderson asked that the benches and tables be compressed to the wall at the end of the day, to which Ms. White agreed.

Chairman Johnson reviewed that the granting of the conditional use permit would not adversely affect public interest in the following ways: (1) The sidewalk is approximately 14' wide and a minimum of 36" clearance for the pedestrian walkway shall remain clear from any obstructions to meet Americans with Disabilities Act (ADA) requirements, (2) There will be no change to the existing parking with the addition of outdoor seating, (3) The refuse is picked-up daily by curbside, (4) Utilities are available to the site and there are no proposed changes to utilities, (5) There is no screening or buffering required and there is none proposed, (6) There is an existing blade sign on the front of the building and there is a pending application submitted to the Danville Architectural Heritage Board (DAHB) for additional signage proposed to be on the back of the building. If applicable, sign permits shall be obtained as per the zoning ordinance, (7) There is no new construction proposed that would affect the yard or open space, (8) The applicant proposes that there will not be any changes that affect the general health, safety, and welfare of the public.

Chairman Johnson asked if the tables would be taken in at night and was concerned about vandalism. Ms. White stated that the tables would remain outside and the business would assume the risk. Paula Bary explained that bringing in tables and chairs is an ABC regulation that is a condition of having an alcohol license. Commissioner Anderson recommended that a cable be used to connect the table and chairs in the evenings, after hours, if theft was an issue. Commissioner Green asked if the tables would be put up in the Winter. Ms. White stated that the tables would not be out in the Winter.

Lastly, Paula Bary shared that the TRS committee recommended that Plank on Main notify their liability insurance company about the outdoor tables. Commissioner Green added that she was concerned about a suit against the city, if outdoor seating was a hazard at night. Ms. Bary stated that the City Attorney has not drafted an ordinance yet about the liability issues raised with outdoor seating on city sidewalks. Ms. White agreed that she would make her insurance company aware of the outdoor tables.

Chairman Johnson asked for a motion. Commissioner Anderson made a motion to approve the Conditional Use Permit for outdoor seating due to the fact that a number of restaurants downtown have added outdoor seating, with no apparent problems, and based on the findings of fact, and asking that the tables and chairs be pushed to the business wall at the end of the day. Commissioner Fairchild seconded the motion and it unanimously carried. Commissioner Anderson called for the meeting to adjourn. Commissioner Green seconded the motion.

This concluded the business scheduled on the agenda. The meeting adjourned at 10:17 a.m.

Prepared by:

JENNIE HOLLON
ADMINISTRATIVE ASSISTANT